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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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9 UNITED STATES OF AMERICA,

No. CR 11-0832 SI

10 Plaintiff,

11 v.

**ORDER DENYING WITHOUT
PREJUDICE DEFENDANT'S MOTION
FOR APPOINTMENT OF COUNSEL**

12 ELLA MAE SIMPSON,

13 Defendant.
14 _____/

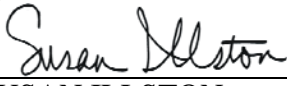
15 On August 11, 2014, defendant Ella Mae Simpson, proceeding *pro se*, filed a motion for
16 appointment of counsel. Docket No. 206. In the motion, defendant states that she is requesting counsel
17 to assist her in determining whether she qualifies for a reduction in sentence under 18 U.S.C.
18 § 3582(c)(2) based on Amendment 782 to the Sentencing Guidelines, which is set to take effect on
19 November 1, 2014. *Id.*

20 Amendment 782 reduces by two levels the offense levels assigned to the quantities that trigger
21 the statutory mandatory minimum penalties in §§ 2D1.1 and 2D1.11. 79 Fed. Reg. 44973, 44973 (Aug.
22 1, 2014). Amendment 782 is available for retroactive application. *Id.* However, although Amendment
23 782 will take effect on November 1, 2014, a “court shall not order a reduced term of imprisonment
24 based on Amendment 782 unless the effective date of the court’s order is November 1, 2015, or later.”
25 *Id.* The Sentencing Commission concluded that this one-year delay in the effective date of any orders
26 granting sentence reductions under Amendment 782 is needed “to give courts adequate time to obtain
27 and review the information necessary to make an individualized determination in each case of whether
28 a sentence reduction is appropriate.” *Id.* at 44974. In light of this one-year delay, the Court concludes

1 that defendant's request for the appointment of counsel is premature at this time. Accordingly, the Court
2 DENIES defendant's motion for the appointment of counsel without prejudice to defendant renewing
3 her request on or after **August 1, 2015**.¹

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5 **IT IS SO ORDERED.**

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7 Dated: August 12, 2014

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11 SUSAN ILLSTON
12 UNITED STATES DISTRICT JUDGE
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28 ¹ The Court's order does not express any conclusions or findings as to whether defendant is
entitled to a reduction in sentence under 18 U.S.C. § 3582(c)(2) based on the retroactive application of
Amendment 782.